

Message Text

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ACTION DLOS-09

INFO OCT-01 AF-10 ISO-00 OIC-02 ARA-10 EA-10 EUR-12
NEA-10 AGR-01 ACDA-12 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09
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C O N F I D E N T I A L YAOUNDE 3857

E.O. 11652: GDS
TAGS: PLOS, CM
SUBJ: LOS- ENGO, PAUL

REF: (A) YAOUNDE 3827, (B) STATE 189988, (C) STATE 188840

1. SUMMARY: PAUL ENGO, CHAIRMAN OF COMMITTEE ONE, COMMENTING ON THE POINTS MADE IN REFTEL (C) INDICATED SOVIET CONTINENTAL SHELF PROPOSALS WERE COMPLETELY UNACCEPTABLE, THE ARAB PROPOSAL WAS ALSO THAT OF THE OAU, AND THE IRISH FORMULA, WHILE HAVING MANY DIFFICULTIES, MIGHT HAVE SOME ACCEPTABLE FEATURES IF APPROPRIATELY MODIFIED. END OF SUMMARY.
2. ENGO RECEIVED ME AUGUST 8 TO DISCUSS CONTINENTAL SHELF PROPOSALS (REFTEL C) AND PRESENT STATUS U.S. DEEP SEABED MINING LEGISLATION (REFTEL B).
IN ADDITION HE PROVIDED PERSONAL NOTE TO AMBASSADOR RICHARDSON WHICH WAS TRANSMITTED IN REFTEL A.
3. ENGO WAS GIVEN DIPLOMATIC NOTE BASED ON PARA 2 REFTEL C AND HE MADE A NUMBER OF PRELIMINARY OBSERVATIONS
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BASED ON THIS PRESENTATION. HIS PRIMARY CONCERN FOCUSED ON SO-CALLED COMMON HERITAGE OF MANKIND. IN ADDITION HE NOTED THAT THE ARAB PROPOSAL WAS ALSO THE POSITION OF OAU. HOWEVER, HE WAS WILLING TO ACCEPT THAT COASTAL STATES HAD PRIORITY RIGHTS WHICH SHOULD BE RECOGNIZED IN LOS TREATY. HE CLAIMED THAT THE COMMON HERITAGE OF MANKIND PROTECTED THE MINERALS BELONGING TO INTERNATIONAL COMMUNITY WHILE IN GROUND, FANDZLE PASSED TO COASTAL STATES WHEN

THEY WERE TAKEN OUT OF GROUND. HE SAID MINING IS TO TAKE PLACE BASED ON CONTRACTUAL ARRANGEMENTS WITH THE AUTHORITY WHICH WOULD PROVIDE FOR THE AUTHORITY TO SHARE IN THE PROFITS AFTER ALL COSTS DEDUCTED. HE THOUGHT 10-15 PERCENT IN PROFITS WAS A MORE REALISTIC FIGURE AND THAT THOSE PROPOSING .5, 2 OR 5 PERCENT SHARE WERE NOT SERIOUS. HE BELIEVED THE IDEA THAT THE AUTHORITY SHOULD INVEST IN THESE VENTURES WAS NONSENSE.

4. ENGO WAS NOT PARTICULARLY CONCERNED ABOUT TECHNOLOGY TRANSFER IN CONTINENTAL SHELF MINING, ONLY THAT THE AUTHORITY SHARE IN THE REVENUE. ENGO SAID THAT THE COASTAL STATES SHOULD BE BOUND TO A FORMULA INSURING THAT THE DATA AND INFORMATION FURNISHED ON MINING OPERATIONS IS CORRECT. IN OTHER WORDS, IF 2,000 BARRELS OF OIL IS CLAIMED AS DAILY FLOW, THERE SHOULD BE A MEANS OF VERIFYING THAT IT IS IN FACT THE ACTUAL FLOW. MOREOVER, BECAUSE HE FEELS THE OLD CONVENTIONS ARE NO LONGER ACCEPTED, HE CONSIDERS AS MEANINGLESS THE ARGUMENTS FOR ADOPTING CERTAIN PROVISIONS WHICH ARE BASED ON OLD CONVENTIONS. HE CLAIMED HE DID NOT MIND 300 OR 400-MILE CONTINENTAL SHELF LIMIT, BUT ONLY WITH RESPECT TO COASTAL STATES RECEIVING PREFERENTIAL TREATMENT. AS A MATTER OF COMPROMISE, CONTINENTAL SHELF LIMIT MUST BE A REALISTIC FORMULA TO ATTRACT PEOPLE. IN THIS CONNECTION THE IRISH FORMULA HAS MANY DIFFICULTIES. FINALLY, IN ANSWER TO A DIRECT QUESTION, ENGO CAME TO WHAT APPEARED THE MOST IMPORTANT POINT: THE IRISH FORMULA CANNOT SERVE AS A BASIS FOR NEGOTIATIONS, AT LEAST NOT IN TERMS OF INTRODUCING IT INTO THE INFORMAL COMPOSITE NEGOTIATING TEXT.
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SUCH A COURSE OF ACTION WOULD BE A SHIFT IN EMPHASIS WHICH IS UNACCEPTABLE AT THIS STAGE. HOWEVER, ACCORDING TO ENGO, HOW TO HANDLE THIS MATTER WILL BE A PROBLEM FOR THE GROUP OF 77 CAUCUS TO THRESH OUT AT ITS MEETINGS BEGINNING ON AUGUST 14.

5. ON BEING GIVEN TEXT OF REFTEL B, ENGO COMMENTED THAT HE APPRECIATED BEING INFORMED ON PRESENT STATUS OF U.S. CONSIDERATION OF DEEP SEABED MINING LEGISLATION. HE EXPRESSED SKEPTICISM THAT NATIONAL LEGISLATION PROVISIONS FOR SHARING REVENUES GIVES REAL MEANING TO THE PRINCIPLE OF THE COMMON HERITAGE OF MANKIND. HE OBSERVED THAT HE AND AMBASSADOR ALAN BEASLEY OF CANADA ADDRESSED A CONGRESSIONAL LUNCH. HE CLAIMED THAT HE HAD SEEN A COPY OF BEASLEY'S REMARKS AND HEARD THAT HIS COMMENTS ALSO HAD BEEN INSERTED IN CONGRESSIONAL RECORD; HE WOULD LIKE TO HAVE A COPY.

6. ENGO WAS ASKED WHETHER HE THOUGHT THE CONFERENCE WOULD BE ABLE TO COME UP WITH FINAL TEXT AT THIS SESSION. HE SAID HE REFUSED TO SPECULATE. HOWEVER, HE THOUGHT LAST SESSION HAD BEEN VERY PRODUCTIVE, ESPECIALLY WHEN WORKING AGAINST TIGHT TIME LIMITATIONS. HE HOPED THIS SESSION WOULD CONTINUE THE MOMENTUM ESTABLISHED IN GENEVA.

7. FINALLY, ENGO LAMENTED CURRENT STATE OF DISARRAY OF CAMEROONIAN DELEGATION TO THE RESUMED LOS SESSION. HE DOES NOT WANT DELEGATION MEMBERS TO BE JUST CHAIR WARMERS BUT TO PRESENT CAMEROON'S VIEWPOINT ACTIVELY. HOWEVER, MOST QUALIFIED CANDIDATES ARE NOT AVAILABLE. JEAN MBAYA, SECRETARY OF THE SUPERIOR COUNCIL OF THE MAGISTRATURE IN THE PRESIDENCY, HAS SERVED ON FORMER DELEGATIONS BUT IT IS DOUBTFUL HE CAN BE RELEASED TO SPEND OVER A MONTH IN NEW YORK SINCE HE IS DEEPLY INVOLVED IN REVISION OF PENAL CODE. HENRY FOSSUNG, WHO SERVED AS HIS NUMBER TWO AT GENEVA SESSION, HAS JUST BEEN NAMED AMBASSADOR TO LIBERIA. OTHER FOREIGN DELEGATES INCLUDE DR. JACQUES BOOH, MINISTER COUNSELLOR IN BRUSSELS WHO IS CURRENTLY SERVING AS CHARGE, AND THE ONLY OTHER LIKELY CANDIDATE IS TOWO ATANGANA, FORMER DEPUTY DIRECTOR OF INTERNATIONAL RELATIONS NOW CONFIDENTIAL

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SERVING ON CAMEROONIAN UN DELEGATION. ATANGANA (A FRANCOPHONE SPEAKING SOME ENGLISH) IS APPROACHABLE, BUT ENGO WILL OBVIOUSLY BE IN CHARGE REGARDLESS OF WHO IS SENT IN SUPPORT.

8. COMMENT: SESSION WAS PURE ENGO, WHICH MEANS ONE CAN READ ALMOST ANYTHING INTO HIS STATEMENTS. AS USUAL, HE WAS IMPOSSIBLE TO PIN DOWN AS TO SPECIFICS, PARTICULARLY WITH RESPECT TO HIS OBJECTIONS TO THE IRISH FORMULA. ABOUT THE ONLY REALLY POSITIVE NOTE WAS HIS OUTRIGHT REJECTION OF SOVIET FORMULA. HOWEVER, EVERYTHING ELSE WILL OBVIOUSLY DEPEND ON TIME, CIRCUMSTANCES, AND MOST IMPORTANT, RESULTS OF GROUP OF 77 CAUCUS. MITHOEFER

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